

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nicholas Venduras	Team: Squad #16	CCRB Case #: 202203651	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/04/2022 3:15 AM, Saturday, 06/04/2022 4:00 AM	Location of Incident: Westbound on 28th Street and Astoria Boulevard 114th Precinct Stationhouse.	18 Mo. SOL 12/4/2023	Precinct: 114		
Date/Time CV Reported Mon, 06/06/2022 1:38 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 06/06/2022 1:38 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Imran Ahmed	24983	969460	114 PCT
2. LT Jose Deschamps	00000	931631	114 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Hector Valdez	03263	953514	FTU 20
2. PO Sean Stukes	06970	961571	114 PCT
3. PO Matthew King	27752	972046	114 PCT
4. PO Brennen Leavy	01630	938830	114 PCT
5. PO Angelo Bonilla	23471	969530	114 PCT
6. PO Elias Bardis	16765	957357	FTU 20
7. PO Anna Garlinska	00324	961524	114 PCT
8. PO Brian Schaal	17447	970194	114 PCT

Officer(s)	Allegation	Investigator Recommendation
A . LT Jose Deschamps	Abuse: On 28th Street and Astoria Boulevard in Queens, Lieutenant Jose Deschamps arrested § 87(2)(b) unlawfully.	
B . LT Jose Deschamps	Abuse: On 28th Street and Astoria Boulevard in Queens, Lieutenant Jose Deschamps arrested § 87(2)(b) unlawfully.	
C . LT Jose Deschamps	Abuse: On 28th Street and Astoria Boulevard in Queens, Lieutenant Jose Deschamps detained § 87(2)(b)	
D . LT Jose Deschamps	Abuse: On 28th Street and Astoria Boulevard in Queens, Lieutenant Jose Deschamps seized § 87(2)(b) property.	
E . PO Imran Ahmed	Abuse: At the 114th Precinct Stationhouse, Police Officer Imran Ahmed searched the vehicle in which § 87(2)(b) was an occupant.	
F . PO Imran Ahmed	Discourtesy: At the 114th Precinct Stationhouse, Police Officer Imran Ahmed spoke discourteously to § 87(2)(b)	

### Case Summary

On June 6, 2022, § 87(2)(b) filed this complaint via the CCRB call processing system.

On June 4, 2022, at approximately 3:15 AM, Lieutenant Jose Deschamps of the 114<sup>th</sup> Precinct responded to a vehicle stop on 28th Street and Astoria Boulevard in Queens, where Police Officer Imran Ahmed and Police Officer Sean Stukes, also of the 114<sup>th</sup> Precinct, had pulled over § 87(2)(b) and his passengers, § 87(2)(b) and § 87(2)(b).

Lt. Deschamps then made the decision to handcuff § 87(2)(b) and § 87(2)(b) and transport them to the stationhouse (**Allegations A - C: Abuse of Authority, § 87(2)(g)**). Lt. Deschamps had another officer bring § 87(2)(b) vehicle back to the stationhouse (**Allegation D: Abuse of Authority, § 87(2)(g)**). PO Ahmed then searched § 87(2)(b) vehicle at the 114<sup>th</sup> Precinct stationhouse (**Allegation E: Abuse of Authority, § 87(2)(g)**).

Towards the end of the incident PO Ahmed allegedly used profanity when speaking to § 87(2)(b) at the 114<sup>th</sup> Precinct stationhouse (**Allegation F: Discourtesy, § 87(2)(g)**). § 87(2)(b) and § 87(2)(b) were charged with criminal possession of a weapon § 87(2)(b). § 87(2)(b) received a summons for having his license plate covered.

This case was originally assigned to former Investigator Kee Busk and was reassigned to Investigator Nick Venduras.

The NYPD Legal Department provided 11 Body-Worn Camera (BWC) videos in regard to this incident (**Board Review 1 - Board Review 11**). The CCRB has no other video evidence of this incident.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: On 28th Street and Astoria Boulevard in Queens, Lieutenant Jose Deschamps arrested § 87(2)(b) unlawfully.**

**Allegation (B) Abuse of Authority: On 28th Street and Astoria Boulevard in Queens, Lieutenant Jose Deschamps arrested § 87(2)(b) unlawfully.**

**Allegation (C) Abuse of Authority: On 28th Street and Astoria Boulevard in Queens, Lieutenant Jose Deschamps detained § 87(2)(b)**

**Allegation (D) Abuse of Authority: On 28th Street and Astoria Boulevard in Queens, Lieutenant Jose Deschamps seized § 87(2)(b) property.**

**Allegation (E) Abuse of Authority: At the 114th Precinct Stationhouse, Police Officer Imran Ahmed searched the vehicle in which § 87(2)(b) was an occupant.**

§ 87(2)(b) said Lt. Deschamps arrived at the vehicle stop while he, § 87(2)(b) and § 87(2)(b) were out of the car after PO Ahmed requested a supervisor (**Board Review 12**). When Lt. Deschamps arrived, he asked § 87(2)(b) if everything in the car belonged to him and § 87(2)(b) answered yes because it was his vehicle. Upon hearing § 87(2)(b) answer, Lt. Deschamps handcuffed § 87(2)(b) and § 87(2)(b) and then removed them to the stationhouse. § 87(2)(b) estimated he was in the holding cell for almost four hours after being processed at the front desk.

§ 87(2)(b) received a summons for having a dirty or covered license plate; however, it does not say which plate (**Board Review 13**). § 87(2)(b) told the CCRB his car did not have such a cover (**Board Review 12**). § 87(2)(b) received no other summonses and was not arrested. § 87(2)(b) asked PO Ahmed multiple times to release § 87(2)(b) and § 87(2)(b) but PO Ahmed ignored these requests. § 87(2)(b) did not expound on what happened to § 87(2)(b) or § 87(2)(b) any further.

§ 87(2)(b) testimony was consistent with § 87(2)(b) (**Board Review 14**). § 87(2)(b) stated that she was in the stationhouse for about three and a half hours before she was released.

§ 87(2)(b) was unavailable to provide a statement to the CCRB.

Both § 87(2)(b) and § 87(2)(b) § 87(2)(b) they were charged with criminal possession of a weapon (**Board Review 15 & Board Review 16**). Pages 9 and 10 of the command log indicate that these arrests were voided (**Board Review 17**).

PO Stukes said Lt. Deschamps came to the vehicle stop at PO Ahmed's request, spoke to PO Ahmed alone, and handcuffed § 87(2)(b) and § 87(2)(b) (**Board Review 18**). Lt. Deschamps then instructed PO Stukes to handcuff § 87(2)(b) which he did. PO Stukes did not hear the conversation between Lt. Deschamps and PO Ahmed. The officers transported the three individuals to the stationhouse for arrest processing, but PO Stukes could not remember who brought § 87(2)(b) vehicle back to the stationhouse.

PO Stukes never went inside or searched the vehicle but knew PO Ahmed searched it later at the stationhouse, but never recovered any weapons (**Board Review 18**). About 20 or 25 minutes after arriving at the stationhouse and lodging § 87(2)(b) PO Stukes was given another assignment and went back out on patrol with a new partner. PO Stukes never saw any weapons related to this vehicle or these individuals. PO Stukes did not know what the individuals were going to be charged with nor did he know what PO Ahmed learned of the individuals.

PO Ahmed's description of how these individuals were taken into custody is consistent with PO Stukes' testimony (**Board Review 19**). When Lt. Deschamps arrived, he told PO Ahmed to place all three individuals under arrest and bring them to the stationhouse. PO Ahmed did not state what the individuals were going to be charged with at this point. The individuals and § 87(2)(b) vehicle were removed to the stationhouse where they were either processed for their arrests or received summonses. At the stationhouse, PO Ahmed did an inventory search of § 87(2)(b) vehicle.

At the time of the incident, Lt. Deschamps responded to the vehicle stop at PO Ahmed's request (**Board Review 20**). When Lt. Deschamps arrived, he saw the three individuals outside § 87(2)(b) vehicle. PO Ahmed told Lt. Deschamps that he believed there was potentially a weapon in a bag inside the vehicle, however neither officer had searched it. Lt. Deschamps did not see this bag and PO Ahmed did not provide any other information. Lt. Deschamps had all three occupants removed to the stationhouse because at that time, all three civilians were considered under arrest because if a weapon is in a vehicle, all occupants are responsible for it. Lt. Deschamps authorized the vehicle to be brought back to the stationhouse, which was only blocks away, for an investigation into the potential weapon inside.

Generally, officers will not search a vehicle on scene because it is usually safer to search a car at

the stationhouse (**Board Review 20**). Lt. Deschamps also said the three individuals being in the “middle of the street” was reason to search the vehicle at the stationhouse, but he stated there was nothing prohibiting Lt. Deschamps or officers from searching this vehicle on-scene during this specific incident.

At the stationhouse, officers lodged the three individuals (**Board Review 20**). PO Ahmed searched the vehicle but did not find any weapons. The only instruction Lt. Deschamps gave to PO Ahmed was sometime before the end of his tour saying if PO Ahmed did not find any weapons, the officers should void the arrests and give a summons to the driver for having a covered rear license plate. Lt. Deschamps did not observe this cover violation, but PO Ahmed told him about it at some point during this incident before he gave his instructions about voiding arrests and writing a summons. Before Lt. Deschamps went home, PO Ahmed told him he did not find anything in the vehicle. Lt. Deschamps did not know if any officers did an inventory search on the vehicle and was unsure if PO Ahmed vouchered the vehicle as he did not see any vouchers.

PO Stukes’ BWC begins with him inside his police vehicle with § 87(2)(b) vehicle stopped ahead (**Board Review 1**). He gets out and approaches the front passenger window where § 87(2)(b) is sitting at timestamp 00:57. PO Ahmed is at the driver’s window, but any conversation between PO Ahmed and the occupants in the vehicle is drowned out by nearby traffic. Between 3:40 and 3:58, all three occupants exit the vehicle. At 4:50 PO Stukes sits in his police vehicle to run § 87(2)(b) driver’s license while PO Ahmed remains with the occupants.

PO Ahmed’s BWC begins at about the time PO Stukes goes to their police vehicle to run § 87(2)(b) driver’s license (**Board Review 2**). At timestamp 1:15, § 87(2)(b) asks why they were stopped, and PO Ahmed says there is an illegal plate cover. At timestamp 1:31, PO Ahmed gets on his phone and provides his location to Lt. Deschamps who arrives at timestamp 4:51.

At timestamp 4:59, away from the civilians, PO Ahmed tells Lt. Deschamps there may be a weapon inside the vehicle (**Board Review 2**). Lt. Deschamps tells PO Ahmed to handcuff them because they have enough probable cause. When Lt. Deschamps asks who was driving the vehicle, PO Ahmed points to § 87(2)(b) and says they have yet to “touch” or “toss” the vehicle. At timestamp 5:33, Lt. Deschamps approaches the occupants who are with PO Stukes to ask who owns the car.

Just after PO Stukes handcuffs § 87(2)(b) at timestamp 2:52 in Lt. Deschamps’ BWC, Lt. Deschamps asks § 87(2)(b) if everything in the car belongs to him (**Board Review 3**). § 87(2)(b) says he believes so, but after Lt. Deschamps asks again, § 87(2)(b) responds in the negative. Lt. Deschamps asks what in the car does not belong to him and § 87(2)(b) says her phone. Officers then transport the occupants and § 87(2)(b) vehicle to the stationhouse.

Lt. Deschamps said he asked § 87(2)(b) if everything in the vehicle was his because he wanted to know if § 87(2)(b) would say if there was anything in the vehicle related to this potential weapon (**Board Review 20**). Since the civilians were already going to the stationhouse, Lt. Deschamps said § 87(2)(b) answer did not impact the decision to take them into custody.

Police Officer Matthew King responded to the scene to remove § 87(2)(b) vehicle to the stationhouse. As he walks over to the vehicle, his first of two BWC videos briefly captures § 87(2)(b) rear license plate at timestamp 1:24 (**Board Review 5**). There is no covering



seen

on the rear license plate and only a license plate frame which does not obscure any of the license plate's information.

There is no BWC footage capturing the front license plate of § 87(2)(b) vehicle.

The remainder of PO Stukes' BWC shows the arrest process of the three civilians in the stationhouse (**Board Review 1**).

Multiple additional officers recorded their participation in this incident, but they are generally consistent with BWC footage already discussed (**Board Review 4, Board Review 6 – Board Review 11**). While these videos capture different angles at times, they do not show any additional information relevant to the allegations.

There is no record of an inventory search in PO Ahmed's memo book (**Board Review 21**). While the command log has entries related to this incident on pages 9 and 10, there is nothing indicating any inventory search was done (**Board Review 17**). The NYPD has returned negative results in response to requests for property vouchers for § 87(2)(b) vehicle (**Board Review 35**).

Patrol Guide Procedure 208-01 states officers may arrest an individual when they have a reasonable cause to believe that person committed a crime (**Board Review 22**).

Patrol Guide Procedure 212-11 discusses the highest level of a stop, a Level 3 Encounter or a Terry Stop (**Board Review 23**). In such stops, an officer must have an "individualized reasonable suspicion that the person stopped has committed, is committing, or is about to commit a felony or Penal Law misdemeanor." In such stops, a civilian is not free to leave.

*People v. De Bour*, 40 N.Y.2d 210, mirrors the Patrol Guide stating an officer may stop and detain an individual if the officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a felony or misdemeanor (**Board Review 33**). It goes on to say a police officer may arrest and take an individual into custody when the officer has probable cause to believe that person has committed a crime.

§ 87(2)(g) the officers had not searched the vehicle or recovered a weapon or any evidence of a crime from any of the occupants when Lt. Deschamps made the determination to arrest § 87(2)(b).

and § 87(2)(b) § 87(2)(g) As Lt. Deschamps testified, he was uncertain whether a weapon was inside the vehicle at the time of their arrests.

§ 87(2)(b) Similarly, although officers never generated an arrest report for § 87(2)(b) he was handcuffed, brought back to the stationhouse with the other occupants, and detained in a holding cell for hours for suspicion of criminal possession of a weapon before his release. § 87(2)(g)

Patrol Guide Procedure 208-03 tells officers, once an individual is arrested, they are to safeguard that individual's vehicle or other conveyance not required as evidence (**Board Review 37**).

§ 87(2)(g)

§ 87(2)(g)

Patrol Guide Procedure 218-13 instructs officers to conduct an inventory search whenever any property comes into the custody of the NYPD (**Board Review 36**). These searches are done to “protect property, ensure against unwarranted claims of theft, and protect uniformed members of the service and others against dangerous instrumentalities.” Any valuables removed are to be noted on a Property Clerk Invoice (PD521-141) and any property of little value left inside the vehicle must be documented in the officer’s activity log or memo book.

PO Ahmed performed an inventory search of § 87(2)(b) vehicle, but there is no record of an inventory search in the command log or PO Ahmed’s memo book. Furthermore, PO Ahmed did not properly document the inventory search on his BWC or property vouchers. § 87(2)(g)

**Allegation (F) Discourtesy: At the 114th Precinct Stationhouse, Police Officer Imran Ahmed spoke discourteously to § 87(2)(b)**

§ 87(2)(b) said officers used “extremely bad language” in his initial complaint with the CCRB’s Call Processing System (**Board Review 34**). In his interview, § 87(2)(b) said about ten minutes before his release, he asked PO Ahmed why he could not have just gotten a ticket on-scene and PO Ahmed answered all NYPD vehicles are “shit and have bad internet,” forcing him to take § 87(2)(b) to the stationhouse (**Board Review 12**).

§ 87(2)(b) did not hear officers speaking discourteously (**Board Review 14**).

PO Ahmed did not recall making this “shit” statement and neither PO Stukes nor Lt. Deschamps heard PO Ahmed use such language (**Board Review 19, Board Review 18 & Board Review 20**).

None of the BWC related to this case captured PO Ahmed using profanity.

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first complaint to which § 87(2)(b) has been a party (**Board Review 24**).
- This is the first complaint to which § 87(2)(b) has been a party (**Board Review 25**).
- This is the first complaint to which § 87(2)(b) has been a party (**Board Review 26**).
- Lieutenant Jose Deschamps has been a member of service for 20 years and has been the subject in 15 other CCRB complaints and 26 other allegations, three of which were substantiated.
  - 201403590 involved a substantiated allegation of a refusal to process a civilian complaint against Lt. Deschamps. The Board made no recommendation and the NYPD imposed Command Discipline A/Formalized Training.

- 201909309 involved substantiated allegations of a threat of summons and a discourteous word against Lt. Deschamps. The Board recommended Command Discipline B and the NYPD imposed no penalty.
- § 87(2)(g)
- Police Officer Imran Ahmed has been a member of service for two years and has been the subject in two other CCRB complaints and three other allegations, none of which were substantiated. § 87(2)(g)

### Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of February 14, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (**Board Review 27 – Board Review 29**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad: 16

Investigator: <u>Nick Venduras</u>	Inv. Nicholas Venduras	July 13, 2023
Signature	Print Title & Name	Date

Squad Leader: <u>Patrick Yu</u>	IM Patrick Yu	07/13/2023
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date